

CENTER4LAW
GERRI M. NEWELL (WSBA 29316)
9016 EAST INDIANA, STE. C
SPOKANE, WA 99212
(509) 926-0188
(509) 926-0168 Fax
newell_law@msn.com
File No. 2:13-cv-00115-TOR

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

ELF-MAN, LLC,

Plaintiff,

MELINDA BROMMER, an individual,
et.al.,

Defendants.

NO. CV-00115-TOR

DEFENDANT BROMMER'S ANSWER
AND AFFIRMATIVE DEFENSES
(AMENDED)

Defendant, MELINDA BROMMER, by and through their undersigned attorney Gerri M.
Newell, admits, denies and alleges as follows:

ANSWER

I. INTRODUCTION

1. In answer to paragraph 1 of plaintiff's complaint, Defendant is without sufficient
information to form a belief as to the truth thereof and on that basis, deny.

2. In answer to paragraph 2 of plaintiff's complaint, Defendant is without sufficient
information to form a belief as to the truth thereof and on that basis, deny.

1 3. In answer to paragraph 3 of plaintiff's complaint, Defendant is without sufficient
2 information to form a belief as to the truth thereof and on that basis, deny.

3 4. In answer to paragraph 4 of plaintiff's complaint, Defendant is without sufficient
4 information to form a belief as to the truth thereof and on that basis, deny.

5 5. In answer to paragraph 5 of plaintiff's complaint, Defendant is without sufficient
6 information to form a belief as to the truth thereof and on that basis, deny.

7 6. In answer to paragraph 6 of plaintiff's complaint, Defendant is without sufficient
8 information to form a belief as to the truth thereof and on that basis, deny.

9 7. In answer to paragraph 7 of plaintiff's complaint, Defendant is without sufficient
10 information to form a belief as to the truth thereof and on that basis, deny.

11 8. In answer to paragraph 8 of plaintiff's complaint, Defendant is without sufficient
12 information to form a belief as to the truth thereof and on that basis, deny.

13 9. In answer to paragraph 9 of plaintiff's complaint, Defendant is without sufficient
14 information to form a belief as to the truth thereof and on that basis, deny.

15 10. In answer to paragraph 10 of plaintiff's complaint, Defendant Melinda Brommer
16 denies this allegation.

17
18
19
20 II. JURISDICTION AND VENUE

21 11. In answer to paragraph 11 of plaintiff's complaint, Defendant Melinda Brommer
22 answers as set forth in paragraphs 1-10 herein.

23 12. In answer to paragraph 12 of plaintiff's complaint, Defendant Melinda Brommer
24 answers as set forth in paragraphs 1-10 herein.

25 13. In answer to paragraph 13 of plaintiff's complaint, Defendant Melinda Brommer
26 answers as set forth in paragraphs 1-10 herein.

III. PARTIES/PLAINTIFF

14. In answer to paragraph 14 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

IV. THE RIGHTS OF THE PLAINTIFF

15. In answer to paragraph 15 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

16. In answer to paragraph 16 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

17. In answer to paragraph 17 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

18. In answer to paragraph 18 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

19. In answer to paragraph 19 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

20. In answer to paragraph 20 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

21. In answer to paragraph 21 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

V. THE DEFENDANTS

22. In answer to paragraph 22 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

23. In answer to paragraph 23 of plaintiff's complaint, Defendant Melinda Brommer denies this allegation.

1 24. In answer to paragraph 24 of plaintiff's complaint, Defendant Melinda Brommer
2 denies this allegation.

3 25. In answer to paragraph 23 of plaintiff's complaint, Defendant is without sufficient
4 information to form a belief as to the truth thereof and on that basis, deny.

5 26. In answer to paragraph 23 of plaintiff's complaint, Defendant is without sufficient
6 information to form a belief as to the truth thereof and on that basis, deny.

7 27. In answer to paragraphs 27-84 of plaintiff's complaint, Defendant is without sufficient
8 information to form a belief as to the truth thereof and on that basis, deny.

9 28. In answer to paragraph 85 of plaintiff's complaint, Defendant admits she resided in
10 Nine Mile Falls, Washington.

11 29. In answer to paragraph 86 of plaintiff's complaint, Defendant Melinda Brommer
12 is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

13 30. In answer to paragraphs 87-102 of plaintiff's complaint, Defendant is without
14 sufficient information to form a belief as to the truth thereof and on that basis, deny.

15 31. In answer to paragraphs 103-149 of plaintiff's complaint, Defendant is without
16 sufficient information to form a belief as to the truth thereof and on that basis, deny.

17
18
19
20 VI. FIRST CLAIM FOR RELIEF

21 COPYRIGHT INFRINGEMENT

22
23 32. In answer to paragraphs 150-158 of plaintiff's complaint, Defendant is without
24 sufficient information to form a belief as to the truth thereof and on that basis, deny.

VII. SECOND CLAIM FOR RELIEF

CONTRIBUTORY NEGLIGENCE

33. In answer to paragraphs 159-166 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

VIII. THIRD CLAIM FOR RELIEF

ALTERNATIVE STATEMENT PURSUANT TO FRCP 8(d)(2)

INDIRECT INFRINGEMENT OF COPYRIGHT

34. In answer to paragraphs 167-176 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

IX. DAMAGES

35. In answer to paragraph 177 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

NOTICE OF FURTHER CLAIMS

36. In answer to paragraphs 178-180 of plaintiff's complaint, Defendant is without sufficient information to form a belief as to the truth thereof and on that basis, deny.

X. AFFIRMATIVE DEFENSES

For further answer to Plaintiff's Complaint and by way of affirmative defenses, Defendant MELINDA BRONNER alleges as follows:

1. Defendant MELINDA BROMMER asserts she has never downloaded the motion picture as alleged in the complaint.

2. Defendant MELINDA BROMMER asserts she has no knowledge of any motion picture called the Elf-Man or any affiliation with the Elf-Man, LLC.

3. Defendant reserves the right to assert additional affirmative defenses as discovery progresses.

1 WHEREFORE, defendant prays for relief as follows:

- 2 1. That Plaintiff's Complaint be dismissed with prejudice and Plaintiff take nothing
3 thereby.
4
5 2. That the Defendant Melinda Brommer be awarded her costs including reasonable
6 attorney's fees incurred in the defense of this action.
7
8 3. For such other and further relief as the Court deems just and equitable.

9
10 DATED this 21st day of October, 2013.

11 By: /S Gerri M. Newell
12 GERRI M. NEWELL, WSBA #29316
13 Attorney for Defendant
14 MELINDA BROMMER
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECLARATION OF SERVICE

I, Gerri M. Newell, hereby declare under penalty of perjury of the laws of the State of Washington that on this day I caused to be served a true and correct copy of DEFENDANT'S ANSWER, AFFIRMATIVE DEFENSES TO PLAINTIFF'S COMPLAINT in Case No. 2:13-cv-00115-TOR to which this declaration is attached, by the method indicated below, and addressed to MAUREEN VANDERMAY at 2085 Commercial Street NE, Salem OR, 97301, via U.S. Mail postage prepaid on October 21, 2013.

/S Gerri M. Newell
Gerri M. Newell